

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
) MDL NO. 1456
) CIVIL ACTION NO.
) 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

All CLASS ACTIONS RELATING
TO TRACK TWO DEFENDANTS

)
) *September 17, 2011,*
) *After careful review of the*
) *relevant portions of the record, the Court*
) *adopts the report and recommendation and*
) *allows the motion to withdraw. (Docket Entry*
) *# 7503).*
)
) *William L. Young*
) *District Judge*

REPORT AND RECOMMENDATION RE:
HEALTH CARE FOR ALL'S MOTION TO WITHDRAW AS CLASS 1
REPRESENTATIVE FOR TRACK 2 SETTLEMENT
(DOCKET ENTRY # 7503) ¹

June 8, 2011

BOWLER, U.S.M.J.

Health Care for All ("HCFA"), one of five associational class representatives of class 1 preliminarily designated for settlement purposes for track two, moves to withdraw as a class representative. (Docket Entry # 7503). "Named Consumer Plaintiffs,"² represented by Donald E. Haviland, Jr., Esq.

¹ Issues with respect to class certification, including amendment of a class certification order, are properly addressed as a report and recommendation under 28 U.S.C. § 636(b)(1)(B). See Nelson v. Nationwide Mortgage Corp., 659 F.Supp. 611, 619 (D.D.C. 1987) (magistrate judges "have no authority to rule on class action certification motions, 28 U.S.C. § 636(b)(1)(A), but such motions may be referred to a magistrate to . . . prepare proposed findings of fact and recommendations for disposition"); see, e.g., Kiobel v. Millson, 592 F.3d 78, 80 (2nd Cir. 2010).

² The named consumer plaintiffs are described in part infra. Counsel provides a more detailed description in an